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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andreas BUOS et al.
Title: LOUDSPEAKER DRIVER
Appl. No.: 09/986,115
Filing Date: 11/07/2001
Examiner: Phylesha Larvinia Dabney
Art Unit: 2643

**REQUEST FOR RECONSIDERATION
UNDER 37 CFR §1.111**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated October 22, 2004, concerning the above-referenced patent application. Claims 1-45 were examined. Claims 1, 31 and 38 are independent.

The indication of allowable subject matter in claims 10-13 and 17 is noted, with appreciation. The other claims stand rejected over Yamada (GB 2 027 316). Claims 1-4, 6, 9, 14, 15, 18 and 23-27 are said to be anticipated by Yamada under 35 U.S.C. §102(b). Claims 5, 7, 8, 16, 19-22 and 28-45 are said to be unpatentable over Yamada under 35 U.S.C. §103(a). These rejections are respectfully traversed for at least the following reasons.

Independent claim 1 recites that the suspension for supporting the massive member "acts in a plane *generally passing through the centre of mass* of the massive member, thereby reducing any moment acting on the suspension." This arrangement yields a balanced exciter. In contrast, Yamada's exciter is unbalanced. The drawings show the suspension (referred to as a damper 6) as being in the plane of the magnet gap and coil. This is repeatedly pointed out in the text. See, e.g., page 3, lines 10-12, 15-22, and 114-116. The purpose of this

arrangement is so that “the relative displacement between the gap and the coil can be minimized...” (page 3, lines 116-119). This location of the suspension (damper 6) is well forward of (not even close to) the center of mass of the magnet assembly, as would be plain to anyone skilled in the art.

The suspension in Yamada thus does not act in a plane “generally passing through the centre of mass” of the magnet assembly. Accordingly, Yamada cannot anticipate claim 1 or any claim dependent thereon. This significant shortcoming of Yamada also negates the §103 rejection of any claim that depends from claim 1.

Independent claims 31 and 38 recite a base plate *for attachment to an acoustic radiator* of a bending wave loudspeaker in a non-repeatedly engageable manner, and an exciter attached to the base plate in a repeatedly engageable manner. Yamada does not disclose or suggest such an arrangement.

The rejection confusingly states, “Yamada teaches an exciter ... attached to the base plate (3, 5)....” However, elements 3, 5 are merely portions of a two-part casing (“flat frames 2, 3”) of the exciter (see page 2, lines 99-107). If those frames were considered as separate and distinct from the exciter, then the connection of the internal parts to the frames would appear to be non-repeatable (in contrast to the repeatable engagement provided by screw holes 18 for attachment of the frames to an external “vibration plate,” e.g., 37 as in Figs. 10 and 11).

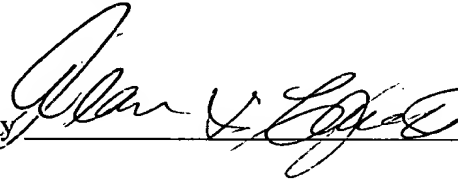
Further, the “vibration plate” to which Yamada’s exciter might be attached (by screws through holes 18) is described as being built into a chair, cushion or the like, which transfers low-frequency vibration to the body of a listener synchronously with an audio signal that is recognized by the ear. See page 3, lines 29-58. It follows that the vibration plate is not for attachment to the acoustic radiator of a bending wave loudspeaker per independent claims 31 and 38. Rather, as is evident from Yamada’s Figs. 10 and 11 and page 4, lines 115-130, the vibration plate 37 is significantly larger than the exciter. Such a large plate does not allow the application of quasi-point forces as required for bending wave loudspeakers (see, e.g., page 29, lines 32-37 of WO97/09842, of record). Accordingly, Yamada does not render independent claims 31 and 38 (or any claims dependent thereon) obvious.

Applicant respectfully submits that the application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date JAN 24 2005

By 

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